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After being engaged in active military duty for a period of more than eighteen years, fourteen of which were, previously and during the late War, spent in the two Canadas, I entered into the civil service of Upper Canada in the year 1816, being requested by the Head of a Public Department to accept a situation in it, with a salary of £125, sterling, per annum.

For many years the remuneration I received from the Government was insufficient to defray the expenses of my family, even on the most limited scale of the most rigid economy. But in order to retain the office, and in the hope that diligence would gain for me increase of salary or promotion, I had recourse to borrowing further means of subsistence, and going otherwise into debt to support and educate a rapidly increasing family. During those years, too, great injustice was done me by the Government, which can be shown by orders in Council and Acts of Parliament, whereby I sustained losses which in my embarrassed circumstances were great to me. I mention this injustice here, not by way of complaint at this late period, but to account in part for the embarrassments into which I have been brought, even by those who were especially bound in duty to do me justice, and to strengthen and encourage me in the public service.

My efforts to abate evil and to do good in the Province I can truly say were untiring, which, with being long and generally known in it, led me into unavoidable expense; one cause of which expense was the correspondence addressed to me by half-pay Officers, discharged Soldiers, Officers and Men of the Militia, and by many of the people of the country not even belonging to those classes. The amount of postage paid by me during eleven years on this account alone certainly exceeded £150, and probably exceeded £200.

In the midst of trials and embarrassments the most distressing to me, I struggled onwards until the breaking out of the Rebellion in 1837, when the part which the Almighty enabled me to take led the Assembly of Upper Canada promptly and spontaneously to Address Her Majesty to reward me, and in the Address the Legislative Council as promptly joined. Filled with gratitude to both Houses, and with undoubting confidence that I should now be relieved from the painful pressure which so long harassed my mind, I waited the answer to the Address. But to my deep and unexpected disappointment the answer afforded me no relief. The two Houses proceeded again in my behalf, and passed a Bill the following Session to enable Her Majesty to grant me the reward, which upon the Address could not be granted. This Bill was disallowed; and in the third year a second Bill was passed containing further provisions to enable Her Majesty to carry out the intentions of the two Houses, but that also was disallowed; and no other steps have, until now, been taken to carry out in my behalf the intentions of the Provincial Legislature, so earnestly and so frequently expressed by them.

After suffering many years from insufficiently paid services, and from acts of positive injustice, my mind was highly excited by the gratifying conduct of the two Houses in my behalf, in February and March, 1838; but the succeeding disappointment produced the most injurious effects upon my mind, and the subsequently excited hopes, and repeated disappointments, have reduced it to a state which I find humiliating and most painful even to allude to. After more than five years of treatment which I will not venture to characterize, and having in that time paid upwards of one thousand pounds interest on my debts, I find myself brought to the greatest extremity, which impels me to this extraordinary effort to obtain speedy relief, by making a direct appeal to every one of the Legislators of both Houses of the United Province, to whose decision my case is to be referred, but to many of whom the circumstances of it can, as yet, be little known.

Deeply also was I injured, and deeply did I suffer, by being, while in the midst of my embarrassments, kept without one half of my salary during the interval between the closing of the last Session of the Parliament of Upper Canada and the meeting of the United Legislature, (one half of it then depending, as it long had depended, on an annual vote of the Assembly,) and for the payment of which I pressingly applied to Lord Sydenham, but for which His Lordship assured me he could not issue a warrant. But of his earnest desire to do so I was entirely satisfied; and I am grateful to the present Assembly for having promptly voted the sum due to me soon after the commencement of their first Session.

I am not insensible to the character of this kind of complaining on my part, and were I the only sufferer I might, perhaps, be blameable for not submitting in silence. But when relatives and friends have injured themselves to relieve me, and when many of them are thus made to endure grief and sorrow

on my account, I feel myself driven to have recourse to every means in my power to employ to put an end to so much and such long continued suffering. And I will trust to the considerate candor of each one thus appealed to, to make due allowance for any extraordinary act of mine, done under the pressure of these extraordinary troubles which, being thus long continued, so painfully weigh upon me; and which, if longer continued, must defeat the intentions of the Upper Canada Legislature, and further aggravate my distresses beyond the power of the Government by any future measure, at any time hereafter, adequately to remedy.

These repeated proceedings of the two Houses, thus most benevolently intended for my benefit, have as yet only added to my embarrassments; for the importunities of my creditors have risen to urgency in the same proportion as my hopes seem to have reached the crisis of their realization. To obtain temporary relief I have sometimes been compelled to adopt expedients which have subsequently proved most injurious to me; but still I have continued to indulge with confidence in the expectation that every new measure passed in my behalf must surely produce the relief so repeatedly prayed for. Other evils I have also suffered, to me inexpressibly painful and humiliating; some of the most grievous of which are, my constantly increasing inability to discharge, at my advanced age, the duties of my office, under the many new and onerous circumstances growing out of the Legislative Union of the two Provinces; and after forty-five years of the most anxious and arduous public service, an irresistible and depressing sense of injury, arising from what I cannot help regarding as injustice and ingratitude on the part of those who might, as I believe, have devised the ways and means of affording me, many years ago, the relief so often and so earnestly prayed for by the Legislature of Upper Canada, and which then would have filled me with gratitude, and produced advantages and happiness to me and to my family which under any circumstances hereafter it assuredly never can.

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EXECUTIVE COUNCIL CHAMBER,  
Kingston, Monday, 23rd March, 1842.

PRESENT:

*His Excellency the Right Honourable the GOVERNOR-GENERAL.*

*In Council.*

Upon the petition of James FitzGibbon, Esquire, praying that means may be taken to carry out the intentions of the Houses of the Provincial Parliament of Upper Canada in his favour, expressed by a joint Address of the Legislative Council and House of Assembly to Her Majesty, recommending the Petitioner for a grant of five thousand acres of Land, and by a Bill passed both Houses to enable Her Majesty to make such grant to Colonel FitzGibbon, in consideration of his honourable, efficient, and able public services, during a period of twenty-six years:

His Excellency, in Council, being fully impressed with the value of the meritorious and faithful services of Colonel FitzGibbon, and fully concurring in the wishes of the Legislative Council and Assembly of Upper Canada, as expressed in the said Address and Bill, is desirous of taking such means as will procure for that officer the proposed reward, without again incurring the objections made by Her Majesty's Government to grants of wild Land for such a purpose; and is of opinion, that an issue to Colonel FitzGibbon of Land Scrip, to the amount of the Government price of the Land which he might have procured had the above mentioned Bill received Her Majesty's assent, would not only be available to Colonel FitzGibbon, but would be free from the objections made to the Bill becoming a Law.

His Excellency, by and with the advice of the Executive Council, is pleased to direct, that Colonel FitzGibbon be informed, that it is His Excellency's intention to recommend his claim to the most favourable consideration of the Houses of the Provincial Parliament, to the end that His Excellency may be legally authorised to direct the issue to Colonel FitzGibbon of Land Scrip to the amount of two thousand pounds, Provincial Currency.

Certified.

(Signed) WM. LEE.

Upon the Order in Council of the 23rd March, 1842, I beg leave to make the following remarks:

When the Address to the Queen passed both Houses, in January, 1838, the upset price of the Land was ten shillings an acre. The Order in Council, in fixing the intended remuneration at a subsequent and reduced upset price of eight shillings an acre, reduces the value of the grant from £2,500 to £2000.

In granting Land Scrip instead of a Debenture or Money, the value of the grant will be further reduced to £1000, or thereabouts; while the Province, in granting the Scrip, as effectually disburses £2000, as if that sum were granted by Debenture or in Cash. Thus it would appear to the people of the Province that a grant of £2000 was, *bonâ fide*, made to me, whereas the grant would realize about one thousand pounds only.

The substitution of the proposed measure for the reward which, upon three different occasions, was prayed for by the Legislature of Upper Canada, will have the effect of diminishing most materially the value of the contemplated boon. The difference to me between the real and nominal value of Land Scrip has been already adverted to. I desire, in addition, permission to urge the injurious consequences of the protracted delay upon my circumstances. Five years and nine months have now elapsed since the action of the Parliament of Upper Canada first incited in my mind the hope of speedy relief from my accumulated embarrassments. By the expectation then created I have continued to be sustained: and I still encourage the hope that the grant which that Legislature made so many efforts to confer will not, at all events, be depreciated in amount, and thus curtailed in usefulness, by the Parliament of the United Province. On the contrary I sincerely cherish the hope that the severe losses and irreparable injuries which the prolonged anxiety has occasioned me, may be rather viewed as an additional motive for conferring the reward in such form as that its value to me may remain unimpaired, while the generous intentions of the original donors may likewise be fully carried out.

*in 1838*  
Since the Address was passed, I have laid upwards  
on thousand pounds interest on my <sup>debts</sup> and in some  
expenses, all which might have been prevented by  
the confirmation of the grant in that year. FitzGibbon